



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 109<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 151

WASHINGTON, TUESDAY, JUNE 7, 2005

No. 74

## Senate

The Senate met at 9:45 a.m. and was called to order by the Honorable JOHN ENSIGN, a Senator from the State of Kansas.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of all mercies, open our hearts to the forgiving, healing work of Your Spirit that we may find our greatness in serving You and bringing good into the hearts and homes and work and play of others.

Sustain the Members of this body in their labors today. May they so strive to please You that even enemies will be transformed into friends. Remind them that a love of justice brings true power. Help them to speak with such kindness that others will want to listen. Teach them that though they make important decisions, You alone determine what happens.

God of grace and mercy, so bless our land that the people of the Earth will glorify Your name.

Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JOHN ENSIGN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant legislative clerk read as follows:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, June 7, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable JOHN ENSIGN, a Senator from the State of Nevada, to perform the duties of the Chair.

TED STEVENS,  
President pro tempore.

Mr. ENSIGN thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. FRIST. Mr. President, this morning we will resume the debate on Executive Calendar No. 72, the nomination of Janice Rogers Brown to be a U.S. circuit judge for the DC Circuit. The cloture vote is scheduled for noon today. We will have a debate equally divided until then. I expect that cloture will be invoked, and once that vote is concluded, I will discuss with the Democratic leader a time for the up-or-down vote on Janice Rogers Brown. I remind everyone that following that confirmation vote, we will proceed to the cloture vote on the Pryor nomination.

Again, I hope we can expedite the final vote on each of these nominations once the cloture votes have been completed. We have other nominations to consider this week, including the additional judicial nominations that have time agreements already locked in place.

### VISIT BY TURKISH PRIME MINISTER RECEP TAYYIP ERDOGAN

Mr. FRIST. Mr. President, on Wednesday, I will have the honor of meeting with Turkish Prime Minister Recep Tayyip Erdogan here in the Capitol. We will be meeting to discuss the importance of the United States-Turkish relationship and the ways in which

we can strengthen that bond to achieve our common goals. I have had the opportunity to meet with the Prime Minister twice before over the past 12 months.

During a trip to the Middle East this spring, I sat down with Prime Minister Erdogan in Jerusalem. Prior to that, we met in Istanbul in the summer of 2004.

I look forward to continuing our dialog on the importance of the Turkish-American relationship. Turkey is a critical NATO ally and an indispensable partner in the global war on terror.

Despite our two countries' strong ties and close cooperation, there have been strains in the recent past that began with the liberation of Iraq in the spring of 2003. Some in the press speculate that Istanbul and Washington are going their separate ways. This is simply not the case.

It is true that March of 2003, the Turkish parliament rejected our request to permit the deployment of U.S. troops to Turkey in order to open a northern front against Saddam's forces. Clearly, we were not pleased. However, Turkey's subsequent offer to send troops to Iraq and President Bush's visit to Turkey last June moved our partnership beyond that matter.

Turkey has granted coalition forces overflight rights through Turkish airspace throughout the war in Iraq and has permitted the use of its ports, airbases, and roads for resupplying coalition troops an supporting reconstruction efforts in Iraq. Because of its proximity, Turkey's Incirlik airbase has also served as a vital transit location for coalition troops rotating in and out of Iraq. In fact, from January to April 2004, half of all U.S. troops rotating in and out of Iraq went through Incirlik, and Turkey recently agreed to allow coalition forces to use the base as a logistics hub. Turkey's assistance and support has been invaluable.

Turkey has also been a leader in Iraq's reconstruction efforts. At the

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S6115

2003 Madrid donors' conference, Turkey generously pledged to donate \$50 million in aid over 5 years. In addition, Turkish businesses are functioning in Iraq and helping to provide fuel, electricity, and water to the Iraqi people. And many brave Turkish men and women have given the ultimate sacrifice to help build Iraq's nascent democracy. We honor them for their courage.

Turkey's contribution to the reconstruction project in Afghanistan must also not be overlooked. Turkey has taken the lead for the International Security Assistance Force twice in the last 3 years, most recently in February of this year.

And we must not forget that Turkey had been challenged by terrorism at home by the PKK for years before 9/11. Turkey is threatened today as well. Some PKK terrorists are seeking safe haven in northern Iraq, and so I urge the administration and the Iraqi government to take more aggressive action against the terrorists, and deny them any safe haven from which to launch attacks.

Since 9/11, Turkey has also been the target of al-Qaida. In November 2003, 62 people were killed and more than 700 injured in multiple bombings in Istanbul. It was a tragic event that saddened and angered the world, and fortified our resolve to win the war on terror.

Turkey has been a dedicated and reliable ally. Our intelligence communities are in close contact in this war, and Turkey has been instrumental in capturing terrorists, disrupting their logistics and planning, and dismantling their vast financial networks.

I am confident that Turkey will remain determined and resolute in the war on terror, and that enhanced cooperation between our two countries will prove to be fruitful. Turkey's role as a vital and strategic ally can only be enhanced by its membership in the European Union. The United States strongly supports this.

On December 17 last year, EU member states accepted the recommendation of the European commission for the commencement of accession negotiations with Turkey. These talks are scheduled to begin in October. In order to reach this stage, the Turkish government has undertaken sweeping reforms to fulfill the political and economic criteria for membership in the EU.

Since October of 2001, the Turkish parliament has passed nine reform packages to bring Turkish laws into line with EU benchmarks—five under the leadership of Prime Minister Endrogan. Reforms include the legalization of Kurdish broadcasting and education, the enhancement of freedoms of speech and association, greater civilian control over the military, and more thorough and transparent investigations into allegations of human rights abuses. It is crucial that Turkey continue to take steps to meet all of

the EU's criteria. This will allow the United States to remain a steady and effective supporter of Turkey's ambitions to join the EU.

Turkey's accession to the EU will have a profound impact on Muslim populations within Europe, in the broader Middle East and beyond. It will further demonstrate that democratic governance and respect for the rule of law are not unique to one religion or one culture, but are the birthright of all peoples everywhere. Just as the people of Iraq, Lebanon, and Afghanistan are setting a remarkable example for the entire Middle East, Turkey's membership in the EU will inspire hope throughout the entire Muslim world.

And, finally, as a secular democracy with a predominantly Muslim population, Turkey's membership in the EU—as in NATO—will demonstrate the United States' and Europe's commitment to diversity and tolerance.

We may not always agree on the same course of action—and sometimes we may not agree on the same ends—but Turkey has, for decades, been a friend. And it has consistently expressed its dedication to the values, ideals, and interests that the United States holds dear.

Like the United States, Turkey is committed to a democratic Iraq that respects the rights of its own people and is at peace with its neighbors. It is committed to a just resolution to the Israeli-Palestinian conflict in which two democratic states, Israel and Palestine, live side-by-side in peace and security. It stands against Iran's nuclear ambitions, and squarely for victory in the war against terror.

The United States and Turkey share the same objectives: peace, security, and the spread of freedom and opportunity.

The partnership between the United States and Turkey has survived disagreements in the past and has been consistently vital in the pursuit of our shared interests. The key has always been strong leadership at the highest levels that articulates our partnership and defends the bilateral ties that help us advance our common goals.

Today, we face a golden opportunity to move beyond recent tensions and strengthen our partnership. The first step is for Prime Minister Erdogan to speak clearly in defense of our partnership, and to dispel a wave of anti-Americanism that runs counter to the last 5 decades of cooperation.

I'm confident that the prime minister will do so during his visit this week, and when he returns home to Turkey. And I'm confident that the United States-Turkish partnership will endure as we confront the challenges of the 21st century together.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. DURBIN. Will the Chair inform me as to what the situation is concerning morning business or debate.

The ACTING PRESIDENT pro tempore. We are supposed to go into executive session at this time.

Mr. DURBIN. I thank the Chair.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

#### EXECUTIVE SESSION

#### NOMINATION OF JANICE ROGERS BROWN TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will go into executive session to resume consideration of calendar No. 72, which the clerk will report.

The assistant legislative clerk read the nomination of Janice Rogers Brown, of California, to be United States Circuit Judge for the District of Columbia Circuit.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 12 noon shall be equally divided for debate between the two leaders or their designees, provided that the last 20 minutes prior to the vote be divided, with 10 minutes under the control of the Democratic leader or his designee, to be followed by 10 minutes under the control of the majority leader or his designee.

The assistant Democratic leader is recognized.

Mr. DURBIN. Mr. President, under the order, the time is equally divided; is that right?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. DURBIN. I seek recognition under the terms of that order.

The ACTING PRESIDENT pro tempore. The Senator from Illinois, the assistant Democratic leader, is recognized.

Mr. DURBIN. Mr. President, I am sorry that this day has come. Janice Rogers Brown is one of President Bush's most ideological and extreme judicial nominees. This is not just my opinion. I invite anyone, please, read her speeches, read her opinions. They reflect the views of a judicial activist and a person who is, in fact, an ideological warrior. They reflect the views of someone who is outside of the mainstream of American thought. They reflect the views of someone who should not be given a lifetime appointment to the second highest court in America—a court second only to the United States Supreme Court.

I am a member of the Senate Judiciary Committee. I served as the ranking Democrat at Justice Brown's hearing in October of 2003. I asked her a lot of questions. Her answers offered little assurance that she will be anything but a judicial activist with a far-right agenda.